

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Case#: 07 CV 6491 (WHP)

CHLOE, S.A.S., J. CHOO LIMITED,

Plaintiff,

- against -

KEN CHEN a/k/a SHU CHEN et.al.,

Defendant.

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**ANSWER TO
AMENDED COMPLAINT**

Defendant, Howard Shipping Express a/k/a Howard Shipping Express Inc., by its attorney Andrew Squire, as and for its answer to plaintiff's Amended Complaint, alleges as follows:

1. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "1" of the Amended Complaint.
2. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "2" of the Amended Complaint.
3. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "3" of the Amended Complaint.
4. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "4" of the Amended Complaint.
5. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "5" of the Amended Complaint.
6. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "6" of the Amended Complaint.
7. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "7" of the Amended Complaint.

8. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "8" of the Amended Complaint.
9. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "9" of the Amended Complaint.
10. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "10" of the Amended Complaint.
11. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "11" of the Amended Complaint.
12. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "12" of the Amended Complaint.
13. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "13" of the Amended Complaint.
14. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "14" of the Amended Complaint.
15. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "15" of the Amended Complaint.
16. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "16" of the Amended Complaint.
17. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "17" of the Amended Complaint.
18. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "18" of the Amended Complaint.

19. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "19" of the Amended Complaint.
20. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "20" of the Amended Complaint.
21. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "21" of the Amended Complaint.
22. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "22" of the Amended Complaint.
23. Admits each and every allegation contained in paragraph "23" of the Amended Complaint.
24. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "24" of the Amended Complaint.
25. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "25" of the Amended Complaint.
26. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "26" of the Amended Complaint.
27. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "27" of the Amended Complaint.
28. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "28" of the Amended Complaint.
29. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "29" of the Amended Complaint.

30. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "30" of the Amended Complaint.
31. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "31" of the Amended Complaint.
32. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "32" of the Amended Complaint.
33. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "33" of the Amended Complaint.
34. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "34" of the Amended Complaint.
35. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "35" of the Amended Complaint.
36. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "36" of the Amended Complaint.
37. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "37" of the Amended Complaint.
38. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "38" of the Amended Complaint.
39. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "39" of the Amended Complaint.
40. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "40" of the Amended Complaint.

41. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "41" of the Amended Complaint.
42. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "42" of the Amended Complaint.
43. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "43" of the Amended Complaint.
44. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "44" of the Amended Complaint.
45. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "45" of the Amended Complaint.
46. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "46" of the Amended Complaint.
47. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "47" of the Amended Complaint.
48. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "48" of the Amended Complaint.
49. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "49" of the Amended Complaint.
50. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "50" of the Amended Complaint.
51. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "51" of the Amended Complaint.

52. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "52" of the Amended Complaint.
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54. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "54" of the Amended Complaint.
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58. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "58" of the Amended Complaint.
59. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "59" of the Amended Complaint.
60. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "60" of the Amended Complaint.
61. Admits each and every allegation contained in paragraph "61" of the Amended Complaint.
62. Respectfully refers the court to the documents and/or statutes referred to in paragraph "62" of the Amended Complaint for the interpretation of the statements made therein.

63. Respectfully refers the court to the documents and/or statutes referred to in paragraph "63" of the Amended Complaint for the interpretation of the statements made therein.
64. Respectfully refers the court to the documents and/or statutes referred to in paragraph "64" of the Amended Complaint for the interpretation of the statements made therein.
65. Respectfully refers the court to the documents and/or statutes referred to in paragraph "65" of the Amended Complaint for the interpretation of the statements made therein.
66. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "66 of the Amended Complaint.
67. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "67 of the Amended Complaint.
68. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "68 of the Amended Complaint.
69. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "69 of the Amended Complaint.
70. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "70"of the Amended Complaint.
71. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "71"of the Amended Complaint.
72. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "72" of the Amended Complaint.
73. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "73" of the Amended Complaint.

74. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "74" of the Amended Complaint.
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76. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "76" of the Amended Complaint.
77. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "77" of the Amended Complaint.
78. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "78" of the Amended Complaint.
79. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "79" of the Amended Complaint.
80. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "80" of the Amended Complaint.
81. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "81" of the Amended Complaint.
82. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "82" of the Amended Complaint.
83. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "83" of the Amended Complaint.
84. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "84" of the Amended Complaint.

85. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "85" of the Amended Complaint.
86. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "86" of the Amended Complaint.
87. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "87" of the Amended Complaint.
88. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "88" of the Amended Complaint.
89. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "89" of the Amended Complaint.
90. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "90" of the Amended Complaint except denies each and every said allegation with respect to defendant Howard Shipping Express Inc.
91. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "91" of the Amended Complaint except denies each and every said allegation with respect to defendant Howard Shipping Express Inc.
92. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "92" of the Amended Complaint except denies each and every said allegation with respect to defendant Howard Shipping Express Inc.
93. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "93" of the Amended Complaint except denies each and every said allegation with respect to defendant Howard Shipping Express Inc.

94. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "94" of the Amended Complaint except denies each and every said allegation with respect to defendant Howard Shipping Express Inc.
95. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "95" of the Amended Complaint except denies each and every said allegation with respect to defendant Howard Shipping Express Inc.
96. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "96" of the Amended Complaint except denies each and every said allegation with respect to defendant Howard Shipping Express Inc.
97. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "97" of the Amended Complaint except denies each and every said allegation with respect to defendant Howard Shipping Express Inc.
98. Repeats and realleges each and every answer to each and every allegation referred to in paragraph "98" of the Amended Complaint.
99. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "99" of the Amended Complaint.
100. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "100" of the Amended Complaint except denies each and every said allegation with respect to defendant Howard Shipping Express Inc.
101. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "101" of the Amended Complaint except denies each and every said allegation with respect to defendant Howard Shipping Express Inc.
102. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "102" of the Amended Complaint except denies each and every said allegation with respect to defendant Howard Shipping Express Inc.

103. Repeats and realleges each and every answer to each and every allegation referred to in paragraph "103" of the Amended Complaint.
104. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "104" of the Amended Complaint except denies each and every said allegation with respect to defendant Howard Shipping Express Inc.
105. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "105" of the Amended Complaint except denies each and every said allegation with respect to defendant Howard Shipping Express Inc.
106. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "106" of the Amended Complaint except denies each and every said allegation with respect to defendant Howard Shipping Express Inc.
107. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "107" of the Amended Complaint except denies each and every said allegation with respect to defendant Howard Shipping Express Inc.
108. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "108" of the Amended Complaint except denies each and every said allegation with respect to defendant Howard Shipping Express Inc.
109. Repeats and realleges each and every answer to each and every allegation referred to in paragraph "109" of the Amended Complaint.
110. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "110" of the Amended Complaint.
111. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "111" of the Amended Complaint except denies each and every said allegation with respect to defendant Howard Shipping Express Inc.

112. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "112" of the Amended Complaint except denies each and every said allegation with respect to defendant Howard Shipping Express Inc.
113. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "113" of the Amended Complaint except denies each and every said allegation with respect to defendant Howard Shipping Express Inc.
114. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "114" of the Amended Complaint except denies each and every said allegation with respect to defendant Howard Shipping Express Inc.
115. Repeats and realleges each and every answer to each and every allegation referred to in paragraph "115" of the Amended Complaint.
116. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "116" of the Amended Complaint.
117. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "117" of the Amended Complaint except denies each and every said allegation with respect to defendant Howard Shipping Express Inc.
118. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "118" of the Amended Complaint except denies each and every said allegation with respect to defendant Howard Shipping Express Inc.
119. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "119" of the Amended Complaint except denies each and every said allegation with respect to defendant Howard Shipping Express Inc.
120. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "120" of the Amended Complaint except denies each and every said allegation with respect to defendant Howard Shipping Express Inc.

121. Repeats and realleges each and every answer to each and every allegation referred to in paragraph "121" of the Amended Complaint.
122. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "122" of the Amended Complaint.
123. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "123" of the Amended Complaint except denies each and every said allegation with respect to defendant Howard Shipping Express Inc.
124. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "124" of the Amended Complaint except denies each and every said allegation with respect to defendant Howard Shipping Express Inc.
125. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "125" of the Amended Complaint except denies each and every said allegation with respect to defendant Howard Shipping Express Inc.
126. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "126" of the Amended Complaint except denies each and every said allegation with respect to defendant Howard Shipping Express Inc.
127. Repeats and realleges each and every answer to each and every allegation referred to in paragraph "127" of the Amended Complaint.
128. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "128" of the Amended Complaint except denies each and every said allegation with respect to defendant Howard Shipping Express Inc.
129. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "129" of the Amended Complaint except denies each and every said allegation with respect to defendant Howard Shipping Express Inc.

- 130. Repeats and realleges each and every answer to each and every allegation referred to in paragraph "130" of the Amended Complaint.
- 131. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "131" of the Amended Complaint except denies each and every said allegation with respect to defendant Howard Shipping Express Inc.
- 132. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "132" of the Amended Complaint except denies each and every said allegation with respect to defendant Howard Shipping Express Inc.
- 133. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "133" of the Amended Complaint except denies each and every said allegation with respect to defendant Howard Shipping Express Inc.
- 134. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "134" of the Amended Complaint.

As and for a First Affirmative Defense

- 135. Howard Shipping Express Inc. does not manufacture, store, sell and/or distribute any products whatsoever, and, as such, the Complaint fails to state a cause of action as against defendant Howard Shipping Express Inc.

As and for a First Cross-Claim against Co-Defendant John Does 1 through 10

- 136. This Court has subject matter jurisdiction of this cross-claim in that this action involves a Federal question.
- 137. To the extent that any liability is found against this answering defendant Howard Shipping Express Inc., it is entitled to contribution and/or indemnity from any and all presently unidentified co-defendants who are found to have used the package shipping services rendered by Howard Shipping Express Inc. to ship counterfeits, fakes, knock-offs, and/or imitations of plaintiff's trademarked goods in violation of Federal statutes without Howard Shipping Express Inc.'s knowledge, permission and consent, for any judgment rendered against Howard Shipping Express Inc., and for

costs, expenses and reasonable attorneys fees that Howard Shipping Express Inc. Is directed to pay by the Court.

WHEREFORE, answering defendant Howard Shipping Express Inc. demands judgment dismissing the plaintiff's Complaint in its entirety, judgment on the cross-claim, and for such other and further relief as this Court deems just and proper.

DATED: Brooklyn NY
September 6, 2007

S/Andrew Squire

Andrew Squire, Esq. (6696)
Attorney for Defendant
Howard Shipping Express Inc.
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Brooklyn NY 11233
(718) 771 2221